

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Case No. 09-20614

Antonio Lynn Fluker, Jr.,

Honorable Sean F. Cox

Defendant.

ORDER STRIKING DOCKET ENTRY NOS. 35 & 36

Defendant Antonio Fluker (“Defendant”) has been represented in this action by counsel, Kenneth M. Scott, Jr., since March 19, 2010. On November 10, 2010, Mr. Scott filed a Notice of Appeal on behalf of Defendant. (Docket Entry No. 33).

Nevertheless, on November 22, 2010, Defendant filed a *pro se* “Motion to Appeal Defendant’s Sentence” (Docket Entry No. 35) and a *pro se* “Motion to Reconsideration and Withdraw Plea Rule 11 Agreement.” (Docket Entry No. 36).

Since Defendant has counsel, Defendant is attempting to proceed in a “hybrid” fashion, both through his counsel and *pro se* by way of his motion. *See McKaskle v. Wiggins*, 465 U.S. 168, 183 (1984). Although the Sixth Amendment guarantees defendants the right to conduct their own defense and even represent themselves, *see Farretta v. California*, the right of self-representation does not include the right to proceed in a hybrid manner. *McKaskle*, 465 U.S. at 183; *see also United States v. Mosely*, 810 F.2d 93, 97-98 (6th Cir. 1987). This Court will not allow Defendant to proceed in a hybrid manner in this action will therefore strike Defendant’s *pro se* submissions, Docket Entry Nos. 35 & 36.

Accordingly, IT IS ORDERED that Docket Entry Nos. 35 & 36 are hereby STRICKEN.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: December 9, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 9, 2010, by electronic and/or ordinary mail.

S/J. Hernandez

Case Manager